

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

DAVID LANE WHITSON,

Plaintiff,

v.

**MIDLAND FUNDING LLC, and
FINKLESTEIN, KERN, STEINBERG, &
CUNNINGHAM, PC,**

Defendants.

Case No. 2:22-cv-00131-CEA-CRW

MIDLAND FUNDING LLC’S MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(1), Defendant, Midland Funding LLC (“Midland”), by and through its undersigned counsel, moves to dismiss the Complaint (Doc. 1) of Plaintiff David Lane Whitson (“Plaintiff”) for lack of subject matter jurisdiction. In support of its motion, Midland incorporates its memorandum of law and exhibit thereto by reference.

WHEREFORE, Midland respectfully requests that this Court grant its Motion to Dismiss and enter an Order dismissing Plaintiff’s claims for lack of subject matter jurisdiction.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2023, I electronically filed the foregoing with the Clerk of the Court using the e-filing system, which will send a notification of such filing to the following counsel of record:

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